

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RUSSELL ZINTER *ET AL.*,

Plaintiffs,

vs.

CHIEF JOSEPH SALVAGGIO *ET AL.*,

Defendants.

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5-18-CV-00680-JKP-RBF

ORDER

Before the Court is the Unopposed Motion to Withdraw As Counsel for Plaintiff Selena Herrera filed by attorneys Brandon J. Grable and Austin M. Reyna of Grable Grimshaw Mora PLLC. *See* Dkt. No. 105. Grable and Reyna move to withdraw as counsel for Herrera due to her failure to respond to their multiple attempts to contact her. The District Court referred this case for resolution of all nondispositive pretrial matters pursuant to Rules CV-72 and 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. *See* Dkt. No. 71. As discussed further below, this Order **GRANTS** the Motion to Withdraw and **ORDERS** Herrera to **SHOW CAUSE** why her case shouldn't be dismissed for failure to prosecute or comply with a Court order.

On July 27, 2021, the Court held a hearing on the Motion to Withdraw (as well as on the parties' Joint Motion to Modify the Scheduling Order). Prior to the hearing, the Court ordered Herrera to appear in person for it. *See* Dkt. No. 107. That Order warned Herrera that “[s]hould [she] fail to appear at the hearing, her claims may be subject to dismissal for failure to prosecute or comply with a Court order.” *Id.* (citing Fed. R. Civ. P. 41(b)) (emphasis in original). Herrera was notified of the hearing by written Order dated July 13, 2021. *See* Dkt. No.

21. That Order appears on the docket, and a copy was mailed to Herrera by her attorneys. **IT IS THEREFORE ORDERED THAT:**

The Motion to Withdraw, Dkt. No. 105, is **GRANTED**. Herrera is advised that to the extent she desires to proceed with this case, she will be proceeding *pro se*, unless and until an attorney enters a notice of appearance on her behalf.

Within **twenty-one (21) days** from the date of this Order Herrera shall **SHOW CAUSE** to the District Court why this case shouldn't be dismissed for failure to prosecute or comply with a Court order. Should Herrera fail to show cause, the Court will treat such failure as contumacious conduct. *In light of the applicable statute of limitations, Herrera is specifically advised that a dismissal of her case could effectively operate as a dismissal with prejudice. In other words, dismissal of this case could bar Herrera from pursuing her claims against Defendants in the future.*

If Herrera no longer desires to pursue some or all of her claims, she may seek to voluntarily dismiss them pursuant to Federal Rule of Civil Procedure 41(a)(2).

The Clerk of Court is **DIRECTED** to send a copy of this Order to Herrera via regular mail and certified mail, return receipt requested at her last known address:

Selena Herrera
202 S. Hoy Street
Buffalo, Oklahoma 73834

IT IS SO ORDERED.

SIGNED this 29th day of July, 2021.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE